IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LDG.)NO. 560 OF 2007
IN
CHAMBER SUMMONS NO.38 OF 2007
IN
TEST.PETITION NO.954 OF 1999

Appu Swami S/o Swami & Ors. .. Appellants.

V/s.

The Administrator General
State of Maharashtra .. Respondent.

Mr.V.J.Talkute for the Appellants.

Mr.D.M.Tailor for the Respondent No.2.

CORAM : DR. S. RADHAKRISHNAN &
SRI ANOOP V. MOHTA, JJ.

DATED : 14TH DECEMBER, 2007

P.C. :-

. Heard learned counsel for the Appellants and the Respondent No.2.

2. Appeal is admitted. By consent, the Appeal is taken up for final hearing.

3. By this Appeal, the appellants challenge the order dated 16th of June, 07 passed by the learned single Judge, refusing to grant ad-interim relief in the Chamber Summons No. 38 of 2007, mainly on the ground that the appellants were unable to show how they were

legal heirs of the deceased.

4. In fact it appears that the said Chamber Summons is finally disposed of by an order of this court passed by the learned single Judge dated 20th of July, 2007; whereby the delay in taking out the aforesaid chamber summons is condoned and the applicants were allowed to be impleaded as legal heirs in place of the deceased. In view thereof, the impugned order dated 16th of June, 2007 has become academic. The same stands set aside.

5. The learned counsel for the Appellants tendered a joint undertaking of all the Appellants dated 13th of December, 2007. The said undertaking has been given mainly to protect the interest of the concerned Co-operative Housing Society and as claimed by the Mr.Tailor, the learned counsel for the Respondent No.2. In view thereof and as the impugned order has been set aside, the Appeal is allowed and disposed of accordingly.

(ANOOP V. MOHTA, J) (DR.S.RADHAKRISHNAN,J.)

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